

Focus on: Rule Adoption and Repeal Notice



Contact information

If you have questions about the Underground Storage Tank (UST) program or need technical assistance, please contact:

Kristopher Grinnell
UST Coordinator
360-407-7382
USTrule@ecy.wa.gov

Special accommodations

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 306-408-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Underground Storage Tank Regulations

On July 18, 2018, the Department of Ecology (Ecology) repealed existing Chapter 173-360 WAC and adopted new Chapter 173-360A WAC, Underground Storage Tank (UST) Regulations. The new chapter modifies and replaces the repealed chapter.

The new UST regulations will be published in the Washington State Register on August 1, 2018, and become effective on October 1, 2018.

The UST regulations are in place to prevent releases of petroleum and other hazardous substances from UST systems, and ensure any releases are detected and cleaned up.

Summary of changes

Ecology repealed existing Chapter 173-360 WAC and adopted new Chapter 173-360A WAC. The new chapter modifies and replaces the repealed chapter. The regulations were modified to:

- Incorporate federal rule changes needed to maintain state program approval, as specified in 40 CFR Parts 280 and 281 (such as new operation and maintenance requirements for UST systems and requirements for field-constructed tanks and airport hydrant systems).
- Integrate changes to the state statute that authorizes the program, Chapter 90.76 RCW (such as licensing requirements for UST systems).
- Update other requirements governing the program (such as UST service provider requirements).
- Streamline rule requirements, improve rule clarity, and improve consistency within the rule and with other state and federal laws and rule (such as reorganizing the rule).

The text of the new rule, and a summary of changes to the repealed rule, are available at: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-360-Mar16>.

Why it matters

The Underground Storage Tank (UST) program is one of Washington's most important pollution prevention programs.

Under the program, Ecology regulates and periodically inspects almost 9,000 tanks at over 3,300 fueling facilities throughout the state to prevent releases of petroleum and other hazardous substances into the environment.

Historic releases from USTs constitute about half of all known contaminated sites. The UST program has significantly reduced the number of releases – from several hundred to less than fifty each year. Each release that's prevented is another contaminated site that doesn't require a costly cleanup.

Effective date of rule

October 1, 2018



Figure 1. An Ecology UST inspector conducting an UST inspection.

Persons impacted

The rule changes may impact persons who:

- Own or operate UST systems.
- Provide services to owners and operators.
- Deliver product to, or collect waste oil from, UST systems.
- Provide pollution liability insurance for UST systems.
- Conduct training for operators of UST systems.

Response to comments

Ecology has developed a Concise Explanatory Statement that:

- Provides reasons for adopting the changes to the rule.
- Describes differences between the proposed and adopted rule.
- Provides Ecology's response to public comments on the proposed rule.

The document can be downloaded from: <https://fortress.wa.gov/ecy/publications/SummaryPages/1809059.html>.

You can view the public comments Ecology received at: <http://cs.ecology.commentinput.com/?id=usNx2>.

Appeal procedures

This adoption and repeal can be appealed under procedures described in the Administrative Procedure Act ([Chapter 34.05 RCW](#)), including those found in [RCW 34.05.330](#).

Implementation

Ecology has developed an Implementation Plan that describes how we intend to implement the changes to the rule. The document can be downloaded from: <https://fortress.wa.gov/ecy/publications/SummaryPages/1809060.html>.

Training opportunities

Ecology will hold three trainings on the changes to the rule. The trainings are intended primarily for UST service providers, but will also be useful for UST owners and operators.

The trainings will begin with a presentation, followed by a question and answer session.

1. August 7, 2018, at 9:00 am (in person only)

Department of Ecology
Eastern Regional Office
4601 N Monroe Street
Spokane, WA 99205

2. August 8, 2018, at 9:00 am (in person only)

Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008

3. August 9, 2018, at 9:00 am (in person or by webinar)

Location:

Department of Ecology
Southwest Regional Office
300 Desmond Dr. SE
Lacey, WA 98503

Webinar:

This is an online meeting forum you can attend from any computer using internet access. To join the webinar, click on the following link for more information and instructions:

<https://watech.webex.com/watech/j.php?MTID=maabe201f82dc5888b7f8c6dd0531a75e>.

For audio only, call US toll number +1-240-454-0887 and enter access code 801 746 236. Or to receive a free call back, provide your phone number when you join the event.

More information

- View rulemaking adoption notice (CR103 Form) at: [https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/TCP/WAC173-360A-16-02/Rulemaking-Adoption-Notice-\(WAC-173-360;-WAC-173-360A\)](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/TCP/WAC173-360A-16-02/Rulemaking-Adoption-Notice-(WAC-173-360;-WAC-173-360A)).
- View repealed rule language at: [https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/TCP/WAC173-360A-16-02/Repealed-rule-language-\(WAC-173-360;-WAC-173-360A\)](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/TCP/WAC173-360A-16-02/Repealed-rule-language-(WAC-173-360;-WAC-173-360A)).
- View adopted rule language at: [https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/TCP/WAC173-360A-16-02/Adopted-rule-language-\(WAC-173-360;-WAC-173-360A\)](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Rulemaking/TCP/WAC173-360A-16-02/Adopted-rule-language-(WAC-173-360;-WAC-173-360A)).
- For more information about the rulemaking and the changes to the UST rule, visit: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-360-Mar16>.
- For information about the UST program, visit: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Underground-storage-tanks>.
- To get updates about the UST program, sign-up for email notices at: <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=ECOLOGY-UST-RULE>.

Additional languages

- **Español (Spanish):** Para más información o para solicitar un intérprete, favor de comunicarse con Kris Grinnell al 360-407-7382.
- **中文 (Chinese):** 若需更多相關訊息或需翻譯員,請聯絡 Kris Grinnell,電話:360-407-7382.
- **Tiếng Việt (Vietnamese):** Để biết thêm thông tin hoặc cần thông dịch viên, xin vui lòng liên hệ Kris Grinnell tại số 360-407-7382.
- **한국어 (Korean):** 보다 자세한 정보를 원하거나 통역이 필요하다면 Kris Grinnell 씨에게 연락하십시오 360-407-7382.